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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTIAN — Plaintiff(s)

v.

AMERICAN STERLING BANK — Defendant(s)

CASE NUMBER:
308CV0090LAB(RBBx)

PROOF OF SERVICE
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and **served** copies of the *(specify documents)*:

   a. ☐ summons ☐ complaint ☐ alias summons ☐ first ammended complaint ☐ second amended complaint ☐ third amended complaint

   ☒ other *(specify)*: **Summons in a Civil Action; First Amended Action Complaint; Notice of Appearance of David M. Arbogast; Notice of Appearance of Jeffrey K. Berens; Notice of Appearance of Ira Spiro**

2. **Person served:**

   a. ☒ Defendant *(name:)* **AMERICAN STERLING BANK**

   b. ☒ Other *(specify name and title or relationship to the party/business named)*:
   HEATHER BURNS - PERSON AUTHORIZED TO ACCEPT SERVICE OF PROCESS

   c. ☒ Address where the papers were served: **27422 PORTOLA PARKWAY, #110 FOOTHILL RANCH, CA 92610**

3. **Manner of Service** in compliance with *(the appropriate box* **must** *be checked)*:

   a. ☒ Federal Rules of Civil Procedure

   b. ☐ California Code of Civil Procedure

4. **I served** the person named in Item 2:

   a. ☒ By **Personal Service.** By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

      1. ☒ **Papers were served on** *(date)*: **03/13/2008 at** *(time)*: **04:11 am**

   b. ☐ By **Substituted Service.** By leaving copies:

      1. ☐ **(home)** at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

      2. ☐ **(business)** or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.

      3. ☐ **Papers were served on** *(date)*: at *(time)*:

      4. ☐ **by mailing** *(by first-class mail, postage prepaid)* copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

      5. ☐ **papers were mailed on** (date):

      6. ☐ **due diligence.** I made at least three (3) attempts to personally serve the defendant.

c. ☐ **Mail and acknowledgment of service.** By mailing *(by first-class mail or airmail, postage prepaid)* copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. **(Attach completed Waiver of Service of summons and Complaint).**

d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.

e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing *(by first-class mail, postage prepaid)* copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. **(Attach a copy of the order to this Proof of Service.)**

f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)

g. ☐ **Certified or registered mail service.** By mailing to an address outside California *(by first-class mail, postage prepaid, requiring a return receipt)* copies to the person served. **(Attach signed return receipt or other evidence of actual receipt by the person served).**

h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil procecss clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: *(date):* at *(time):*

b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. **(Attach signed return receipt or other evidence of actual receipt by the person served).**

c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation **(Attach signed return receipt or other evidence of actual receipt by the person served).**

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving *(name, address and telephone number)*:
Donald Niemeyer
Janney & Janney Attorney Service, Inc.
840 N. Birch St.
Santa Ana, CA 92701
(714) 953-9451

a. Fee for service: $ **52.00**

b. ☐ Not a registered California process server

c. ☐ Exempt from registration under B&P 22350(b)

d. ☒ Registered California process server
Registration # :**1374**

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: **March 27, 2008** **Donald Niemeyer**
Type or Print Server's Name *(Signature)*

PROOF OF SERVICE - SUMMONS AND COMPLAINT